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13	Facsimile: (415) 434-3947	Pacific Indemnity Company, and
14	Email: okatz@sheppardmullin.com amartin@sheppardmullin.com	Westchester Fire Insurance Company as successor in interest to Industrial
15		Underwriters Insurance Company for policies
13	Attorneys for The Roman Catholic Archbishop of San Francisco	JU835-8355 and JU895-0964
16	- Constitute of Constitution of the Constituti	(additional counsel listed on signature page)
17	ANAMADA GELAGORIA	DANIED COLUMN
18		BANKRUPTCY COURT RICT OF CALIFORNIA
		CISCO DIVISION
19		
20	In re:	Case No. 23-30564 (DM)
21	The Roman Catholic Archbishop of San	Chapter 11
21	Francisco,	•
22	Debtor and	NOTICE OF ENTRY INTO, AND FILING OF, PROPOSED ORDER AND
23	Debtor in Possession.	STIPULATION TO WITHDRAW
24		WITHOUT PREJUDICE THE MOTION OF CERTAIN INSURERS FOR RELIEF
24		FROM AUTOMATIC STAY TO PERMIT
25		CALIFORNIA COVERAGE ACTION TO CONTINUE
26		COMMINGE
		No Hearing Requested Judge: Hon. Dennis Montali
27		Judge. Holl. Dellins Wolltan
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# TO THE HONORABLE DENNIS MONTALI, UNITED STATES BANKRUPTCY JUDGE, AND ALL OTHER INTERESTED PARTIES:

PLEASE TAKE NOTICE that Century Indemnity Company, as successor to CCI Insurance Company and Insurance Company of North America, Pacific Indemnity Company, and Westchester Fire Insurance Company as successor in interest to Industrial Underwriters Insurance Company for policies JU835-8355 and JU895-0964 (collectively, the "Insurers") on the one hand, and the Roman Catholic Archbishop of San Francisco (the "Debtor"), on the other hand, have entered into, and jointly submit to the Court for review and entry, the proposed *Order Approving Stipulation to Withdraw Without Prejudice the Motion of Certain Insurers for Relief from Automatic Stay to Permit California Coverage Action to Continue* attached hereto as Exhibit A.

[SIGNATURE PAGES TO FOLLOW]

Respectfully submitted, 1 2 Dated: February 6, 2024 3 /s/ Pierce A. MacConaghy Pierce A. MacConaghy (BAR NO. 341371) 4 SIMPSON THACHER & BARTLETT LLP 2475 Hanover Street 5 Palo Alto, CA 94304 pierce.macconaghy@stblaw.com 6 Andrew T. Frankel (pro hac vice) 7 Michael H. Torkin (pro hac vice) David Elbaum (pro hac vice) 8 SIMPSON THACHER & BARTLETT LLP 9 425 Lexington Avenue New York, New York 10017 10 afrankel@stblaw.com michael.torkin@stblaw.com 11 david.elbaum@stblaw.com 12 Alexander Potente (BAR NO. 208240) alex.potente@clydeco.us 13 Jason J. Chorley (BAR NO. 263225) jason.chorley@clydeco.us 14 CLYDE & CO US LLP 150 California Street, 15th Floor 15 San Francisco, CA 94111 USA Telephone: 415-365-9800 16 Facsimile: 415-365-9801 17 Counsel for Century Indemnity Company, as successor to CCI Insurance Company, as 18 successor to Insurance Company of North America, Pacific Indemnity Company, and 19 Westchester Fire Insurance Company as successor in interest to Industrial Underwriters 20 Insurance Company for policies JU835-8355 and JU895-0964 21 22 23 24 25 26 27 28

1	Dated: February 6, 2024	FELDERSTEIN FITZGERALD WILLOUGHBY PASCUZZI & RIOS LLP
2		By: <u>/s/ Paul J. Pascuzzi</u> PAUL J. PASCUZZI
3		PAUL J. PASCUZZI JASON E. RIOS
4		THOMAS R. PHINNEY Attorneys for The Roman Catholic Archbishop of San
5		Francisco
6	Dated: February 6, 2024	SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
7		By: <u>/s/ Ori Katz</u> ORI KATZ
8		ALAN H. MARTIN Attorneys for The Roman Catholic Archbishop of San
9		Francisco
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#### Exhibit A

Order Approving Stipulation to Withdraw Without Prejudice the Motion of Certain Insurers for Relief from the Automatic Stay to Permit California Coverage Action to Continue

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13	Telephone: (415) 434-9100	America,
13	Facsimile: (415) 434-3947 Email: okatz@sheppardmullin.com	Pacific Indemnity Company, and Westchester Fire Insurance Company as
14	amartin@sheppardmullin.com	successor in interest to Industrial
15	Attorneys for The Roman Catholic	Underwriters Insurance Company for policies JU835-8355 and JU895-0964
	Archbishop of San Francisco	J0833-8333 una J0893-0904
16		(additional counsel listed on signature page)
17	UNITED STATES I	BANKRUPTCY COURT
18		RICT OF CALIFORNIA
10	SAN FRANC	CISCO DIVISION
19		
20	In re:	Case No. 23-30564 (DM)
21	The Roman Catholic Archbishop of San	Chapter 11
22	Francisco,	ORDER APPROVING STIPULATION
22	Debtor and	TO WITHDRAW WITHOUT
23	Debtor in Possession.	PREJUDICE THE MOTION OF CERTAIN INSURERS FOR RELIEF
24		FROM AUTOMATIC STAY TO PERMIT
		CALIFORNIA COVERAGE ACTION TO CONTINUE
25		COMMINGE
26		No Hearing Requested Judge: Hon. Dennis Montali
27		Judge. Holl. Dellins Wolltan
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Upon consideration of the Stipulation to Withdraw Without Prejudice the Motion of Certain Insurers for Relief from Automatic Stay to Permit California Coverage Action to Continue (the "Stipulation") filed with the Court on February 6, 2024, as Exhibit 1 to Exhibit A of the Notice of Entry Into, and Filing of, Proposed Order and Stipulation to Withdraw Without Prejudice the Motion of Certain Insurers for Relief from Automatic Stay to Permit California Coverage Action to Continue [ECF No. 449], and attached hereto as Exhibit 1,

#### IT IS HEREBY ORDERED THAT:

- 1. The Stipulation is approved and entered as an order of this Court.
- 2. This Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

#### \*\*\*END OF ORDER\*\*\*

### Exhibit 1

Stipulation to Withdraw Without Prejudice the Motion of Certain Insurers for Relief from the Automatic Stay to Permit California Coverage Action to Continue

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Century Indemnity Company, as successor to CCI Insurance Company and Insurance Company of North America, Pacific Indemnity Company, and Westchester Fire Insurance Company as successor in interest to Industrial Underwriters Insurance Company for policies JU835-8355 and JU895-0964 (collectively, the "Insurers") and the Roman Catholic Archbishop of San Francisco (the "RCASF" or the "Debtor," and, together with the Insurers, the "Parties"), the debtor and debtor in possession in the above-captioned chapter 11 case (the "Bankruptcy Case"), enter into this stipulation and agreement (the "Stipulation") to withdraw without prejudice the *Motion of Certain Insurers for Relief from Automatic Stay to Permit California Coverage Action to Continue* [Docket Nos. 251, 255] (the "Motion"). The Parties hereby stipulate and agree as follows:

#### **RECITALS**

- A. On October 27, 2023, the Insurers filed the Motion, which seeks to lift the automatic stay to allow a pending state-court coverage action (the "California Coverage Action") to proceed in order to provide guidance and certainty on the extent of the Insurers' and Debtor's respective contractual rights and obligations for claims brought by survivors of childhood sexual abuse under the California Child Victims Act against the Archdiocese.
- B. On November 16, 2023, the Debtor filed an objection (the "**Objection**") to the Motion.<sup>2</sup>
- C. On November 16, 2023, the Official Committee of Unsecured Creditors (the "Committee") joined the Objection.<sup>3</sup>
- D. The Parties have met and conferred with respect to the Insurers' request for relief by the Motion. As a result, the Parties have come to an agreement regarding the relief requested by the Motion.

ase: 23-30564 Doc# 449 Filed: 02/06/24<sup>-2</sup> Entered: 02/06/24 15:25:36 Page 10 o CASE NO. 23-30564

<sup>&</sup>lt;sup>1</sup> Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion.

<sup>&</sup>lt;sup>2</sup> Debtor's Opposition to Motion of Certain Insurers for Relief from Automatic Stay to Permit California Coverage Action to Continue [Docket No. 313].

<sup>&</sup>lt;sup>3</sup> Committee's Joinder to Debtor's Opposition to Motion of Certain Insurers for Relief from Automatic Stay to Permit California Coverage Action to Continue [Docket No. 321].

E. This Stipulation was previously provided to counsel for the Committee. Counsel for the Committee indicated that the Committee does not object to this Stipulation.

NOW, THEREFORE, UPON THE FOREGOING RECITALS, WHICH ARE INCORPORATED AS THOUGH FULLY SET FORTH HEREIN, IT IS HEREBY STIPULATED AND AGREED, BY AND BETWEEN THE PARTIES, THROUGH THE **UNDERSIGNED:** 

- 1. The Insurers agree to withdraw the Motion without prejudice.
- 2. The Insurers agree that they will not file a renewed motion to lift the stay without providing the Debtor with at least 45-days' prior notice. The Debtor agrees it will not seek to remove the California Coverage Action without providing Insurers with at least 45-days' prior notice.
- 3. Neither the Insurers' agreement to withdraw the Motion, nor the pendency of the stay, may be used in any manner (i) to challenge the Insurers' standing, (ii) in opposing any further motion to lift the stay, or (iii) as a waiver, admission, or limitation of any kind with respect to the Insurers' or the Debtor's rights, claims, defenses, or objections in connection with the California Coverage Action or this Bankruptcy Case.
- 4. Other than as agreed to above, the Debtor and the Insurers reserve all rights, claims, defenses, and objections.

[SIGNATURE PAGES TO FOLLOW]

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Dated: February 6, 2024

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